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7 JOHN STEMMELIN,
8 Plaintiff,
9 v.
10 MATTERPORT, INC., et al.,
11 Defendants.

Case No. 20-cv-04168-WHA (TSH)

DISCOVERY ORDER

Re: Dkt. No. 93

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13 For the past six weeks the Court has been having regular discovery hearings concerning
14 the discovery Plaintiff is attempting to take to support his upcoming motion for class certification,
15 which is due December 23, 2021. *See* ECF No. 70. Counsel for both sides have been cooperative
16 and productive and have been able to resolve most of their disputes with guidance from the Court.
17 The problem that has bedeviled us, however, is the pace of Matterport's document production. In
18 status report after status report and at hearing after hearing, Matterport gives estimated dates by
19 which it expects to produce various categories of documents, and then it misses all of those dates.
20 This cycle has been repeated several times. During today's discovery hearing, when the Court
21 raised this issue, Matterport stated that it did not know when it would complete document
22 production. (So that the reader is not confused, the Court's question (and Matterport's answer)
23 concerned the categories of documents listed on pages 2-3 of ECF No. 93 (Slack data, Social
24 Media, www.matterport.com, ESI for relevant custodians, unredacted documents, and MSP
25 surveys (and please note that these terms are themselves short-hands for specific RFPs discussed
26 in earlier status reports)), not all documents in the case.)

27 The close of non-expert discovery is May 13, 2022, *see* ECF No. 70, but Plaintiff sought
28 the current discovery for use in connection with his class certification motion. Matterport must

1 complete the current document production before the December 23 deadline for Plaintiff to move
2 for class certification or Plaintiff may be unfairly prejudiced. Accordingly, the Court orders
3 Matterport to complete this document production by December 16, 2021. To be clear, the Court is
4 not making a finding that Matterport has failed to exercise diligence in performing its document
5 production. Rather, this delay simply has to end.

6 **IT IS SO ORDERED.**

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8 Dated: December 9, 2021

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11 THOMAS S. HIXSON
12 United States Magistrate Judge

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United States District Court
Northern District of California